

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Darren S. Simmons, #182509,) C/A No. 5:13-1950-RMG-KDW
)
Plaintiff,)
vs.)
William R Byars, Jr, Director;)
Thomas E Byrne, MD;)
Patricia Derrick, HCA;)
Nurse Hutto, RN, n/k/a Nurse Jones;)
Nurse Spaulden, RN;)
Nurse Alicia Jones, RN, n/k/a Alicia Thompson;)
Officer John E Crumley;)
Lt Richard Jenkins, SMU;)
Sgt A DeLoach, SMU;)
Officer Corley;)
Ms. Aldrich;)
Willie Smith, FSS;)
Mr Dukes, FSS;)
Janine Wresicics, RN;)
John Tomarchio, MD;)
John Pate;)
Sgt Gilbert;)
Sgt Mr Rivers;)
Lt Ms Bishop, Jessica;)
Doris Poole, Classification;)
D. Jarques, R.N.;)
Ms. Prestor, food service;)
Assistant Warden Newton;)
Angela Jones, LPN;)
Pam Smith;)
Corporal Marvin Bryant;)
Margrette McQueen, and)
Ms. C. Butler,)
)
Defendants.)

ORDER

This is a 42 U.S.C. §1983 civil rights action that is before the undersigned United States Magistrate Judge for review of Plaintiff's compliance with the most recent Order issued in this case. ECF No. 103. That Order informed Plaintiff of the Marshal's un-executed return of the originally issued service documents for that Defendant because of an improper address, and directed Plaintiff to submit updated service documents with a better address for Defendant C. Butler if he wished to continue suing

her in this case. *Id.*

Plaintiff returned the forms that were sent to him; however, review of the address provided for C. Butler on those forms shows that Plaintiff only wrote "Medustrial Corporation" in the address block and mentioned it in the "special instructions" section on the Form USM-285. He did not provide a street address for that corporation anywhere on the form, and his "new" summons form has the Allendale Correctional Institution street address on it and a reference to "Medustrial" being the corporation that employed C. Butler as a contract nurse. ECF No. 106.

These forms will not be issued because Plaintiff was previously told that the Marshal is not able to serve C. Butler at Allendale, and Plaintiff has not provided a different street address, such as that for Medustrial's home office or registered agent, which would allow the Marshal to make another attempt to serve C. Butler. If the Marshal could not serve C. Butler at Allendale with the original process, another attempt at the same service address will not prove successful.

Plaintiff is again informed that **he** must provide, and **he** is responsible for, information sufficient to identify a Defendant on a Form USM-285. It is not the court's or the other Defendants' responsibility to provide addresses for pro se litigants. Plaintiff is also reminded that unserved Defendants may be dismissed as parties to this case if not served within the time limit governed by Rule 4(m) and this Order. Plaintiff is specifically warned that the Rule 4(m) 120-day time limit for service of all Defendants began to run on January 6, 2014, the day that service was authorized for some Defendants in this case, including C. Butler. ECF No. 56.

Plaintiff is being given one **FINAL** opportunity to provide a **full street address** where Defendant C. Butler can be served. He should not use the address of Allendale Correctional Institution because the Marshal has already tried to serve C. Butler there, but was not able to do so.

Should he desire to attempt service on Defendant C. Butler again, Plaintiff must provide updated service forms with a correct service address (not at Allendale Correctional Institution) for Defendant C. Butler to the Clerk of Court within 14 days of the date of this Order. One blank summons form and one blank Form USM-285 forms are attached to this Order for Plaintiff's use.

IT IS SO ORDERED.

May 9, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge